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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/446,144	03/02/2000	CARLO RUBBIA	P5634	1854
51500	7590	07/27/2007	EXAMINER	
PATZIK, FRANK & SAMOTNY LTD. 150 SOUTH WACKER DRIVE SUITE 1500 CHICAGO, IL 60606			GREENE, DANIEL LAWSON	
			ART UNIT	PAPER NUMBER
			3694	
			MAIL DATE	DELIVERY MODE
			07/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1. The reply filed on 5/2/2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Applicant relies upon the 4/24/2007 Kadi declaration received 5/2/2007 in support of overcoming some of the rejections set forth in the 12/02/2005 Examiners Answer. Review of said declaration indicates that it is deficient, because it does not properly identify the application that it is directed towards.

That is, the declaration states:

2. In making this declaration, I have reviewed the pending patent application, the Office Actions, amendment responses, the briefs on appeal and the Decision on Appeal.

but fails to disclose the specific application number, which office actions were reviewed, fails to set forth that CLAIMS themselves were reviewed, etc.

2. See MPEP 716, 37 CFR 1.132 and 37 CFR 1.111.
3. Since applicant is relying on the affidavit to overcome the rejections of record, then the Examiner is allowing applicant time to properly submit said evidence before a determination will be made. Further, Mr. Kadi should attempt to direct his allegations and opinions in a more factual direction. That is, TO BE OF PROBATIVE VALUE, ANY OBJECTIVE EVIDENCE SHOULD BE SUPPORTED BY ACTUAL PROOF and not merely opinion. See MPEP 716.01(b).I. and II, etc.
4. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid

abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene Jr. whose telephone number is (571) 272-6876. The examiner can normally be reached on Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DIG  
2007-07-09

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